

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION**

MICHAEL TOLBERT, #—03507,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	No. 06-527
	)	
D. CLARKS, JOHN EVANS and	)	<b>DEMAND TRIAL BY JURY</b>
SHERRY HILE,	)	
	)	
Defendants.	)	

**DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT**

NOW COMES the Defendant, SHERRY BENTON, by and through her attorney, Lisa Madigan, Attorney General for the State of Illinois, and hereby answers Plaintiff’s Complaint as follows:

8. Defendant admits that Plaintiff’s identification number is N03507 and he was incarcerated at Pinckneyville Correctional Center at all times relevant to this complaint. Defendant denies that Plaintiff is currently incarcerated at Hill Correctional Center.

9. Defendant admits that Plaintiff alleges that all acts and omissions occurred at Pinckneyville Correctional Center.

10. Defendant admits that Plaintiff was transferred to Pinckneyville Correctional Center on October 8, 2003.

11. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 11.

12. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 12.

13. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 13.

14. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 14.

15. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 15.

16. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 16.

17. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 17.

18. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 18.

19. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 19.

20. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 20.

21. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 21.

22. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 22.

23. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 23.

24. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 24.

25. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 25.

26. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 26.

27. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 27.

28. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 28.

29. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 29.

30. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 30.

31. Defendant denies the allegations of paragraph 31.

32. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 32.

33. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 33.

34. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 34.

34. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 34.

35. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 35.

36. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 36.

37. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 37.

38. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 38.

39. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 39.

40. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 40.

41. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 41.

42. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 42.

43. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 43.

44. Defendant admits the allegations of paragraph 44.

45. Defendant admits the allegations of paragraph 45.

46. Defendant admits the allegations of paragraph 46.

47. Defendant admits that Plaintiff accurately summarizes exhibit H.

48. Defendant admits the allegations of paragraph 48.

49. Defendant admits the allegations of paragraph 49.

50. Defendant admits the allegations of paragraph 50.

51. Defendant admits the allegations of paragraph 51.

52. Defendant admits that Plaintiff accurately summarizes exhibit I.

53. Defendant admits the allegations of paragraph 53.

54. Defendant admits the allegations of paragraph 54.

55. Defendant admits the allegations of paragraph 55.

56. Defendant denies that the Plaintiff accurately summarizes all of the duties of the Administrative Review Board.

57. Defendant admits the allegations of paragraph 57.

58. Defendant admits the allegations of paragraph 58.

59. Defendant admits that Plaintiff has accurately summarized a portion of exhibit D.

60. Defendant admits that Plaintiff has accurately summarized a portion of exhibit D.

61. Defendant admits that Plaintiff has accurately summarized a portion of exhibit D.

62. Defendant admits that Plaintiff has accurately summarized a portion of exhibit D.

63. Defendant admits that Plaintiff has accurately summarized a portion of exhibit D.

64. Defendant admits that Plaintiff's appeal to the Administrative Review Board was denied. Defendant denies the remaining allegations of paragraph 64.

65. Defendant admits that Plaintiff has accurately summarized a portion of exhibit E.

66. Defendant admits that Plaintiff has accurately summarized a portion of exhibit E.

67. Defendant admits that Plaintiff has accurately summarized a portion of exhibit E.

68. Defendant admits that Plaintiff's appeal to the Administrative Review Board was denied. Defendant denies the remaining allegations of paragraph 68.

69. Defendant denies the allegations of paragraph 69.

70. Defendant admits that Plaintiff's appeal to the Administrative Review Board was denied. Defendant denies the remaining allegations of paragraph 70.

71. Defendant denies the allegations of paragraph 71.

72. As paragraph 72 simply re-alleges paragraph 1-71, Defendant provides the same answers as to paragraphs 1-71.

73. Defendant denies the allegations of paragraph 73.

74. Defendant denies the allegations of paragraph 74.

75. Defendant denies the allegations of paragraph 75.

76. Defendant admits the allegations of paragraph 76.

77. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 77.

78. Defendant lacks sufficient knowledge to either admit or deny the allegations of paragraph 78.

79. Defendant denies the allegations of paragraph 79.

**RELIEF REQUESTED**

Defendant denies that Plaintiff is entitled to any relief whatsoever in this cause of action.

**AFFIRMATIVE DEFENSES**

1. At all times relevant herein, Defendants acted in good faith in the performance of their official duties and without violating Plaintiff's clearly established statutory or constitutional rights of which a reasonable person would have known. Defendants are therefore protected from suit by the doctrine of qualified immunity.

Respectfully submitted,

SHERRY BENTON,

Defendant,

LISA MADIGAN, Attorney General,  
State of Illinois,

Attorney for Defendant,

By s/ Jason P. Young  
Jason P. Young, #6279522  
Assistant Attorney General  
500 South Second Street  
Springfield, IL 62706  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2007, I electronically filed Defendant's Answer to Plaintiff's Complaint, on behalf of Defendant Sherry Benton, with the Clerk of Court using the CM/ECF system, and I hereby certify that on the same date, I mailed by United States Postal Service, the described document to the following non-registered participant:

Michael Tolbert (N-03507)  
313 Oak St., Rear Apt.  
Waukegan, IL 60085

Respectfully submitted,

s/ Jason P. Young  
Jason P. Young, #6279522  
Assistant Attorney General  
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